

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 6, 7, 9, 10, 13, and 20-30 are pending in the application, with claims 1 and 30 being the independent claims. Claim 1 is sought to be amended to correct a minor typographical error. New claim 30 is sought to be added. Support for the claim can be found throughout the specification, *inter alia*, in the claims as originally filed. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejection under 35 U.S.C. § 112, first paragraph

The rejection of claims 1, 6, 7, 9, 10, 13, and 20-29 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement was maintained. Applicants respectfully traverse the rejection especially as it may be applied to the amended claims presented herein.

The Examiner asserts that since the other features of the composition, in addition to the claimed peptide, are not known or have a known function, the claims are not adequately described. The Examiner then provides a copy of M.P.E.P. 2111.02 which describes the meaning of the term "comprising" and how it is construed in a claim. Applicants respectfully maintain that the Examiner is not following the guidance provided in the section of the M.P.E.P. to which she cites.

The fact that there are unrecited elements does not *per se* result in the claims not being adequately described. Knowing that an Applicant cannot identify each and every element, however subtle, that can be encompassed in a claim, the courts have allowed the use of transitional phrases, such as "comprising," so that Applicants can include unrecited elements in their claimed invention. As applied to the pending claims, the claimed composition must comprise at least one of the recited peptides. It is true that use of "comprising" allows for unrecited elements, but this is the entire nature of use of the term. To follow the Examiner's line of reasoning would suggest that every claim using open-ended terms such as "comprising" or "having" would fail the written description requirement because they would naturally encompass unrecited elements. This is clearly not the standard for satisfying 35 U.S.C. § 112.

Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

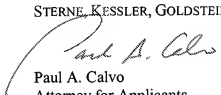
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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